UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/636,146	08/06/2003	Mohammad A. Abadallah	42P14911	2806

			EXAMINER
8791	7590	02/08/2006	KIM, KENNETH S

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ART UNIT	PAPER NUMBER
2111	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	10/636,146	ABADALLAH ET AL.
Office Action Summary	Examiner	Art Unit	
	Kenneth S. KIM	2111	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _06 August 2003_.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-25_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

KENNETH S. KIM
PRIMARY EXAMINER

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _Aug06'03_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1.   Claims 1-25 are presented for examination.

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claims 1-9 and 18-25 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for *comparing the actual control word to a plurality of other control words*, does not reasonably provide enablement for *comparing the predicted control word to a plurality of other control words*. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a)   Claim 1, it is not clear what is the utility of comparing the predicted control word to a plurality of other control words.

(b)   Claim 1, it is not clear where the plurality of other control words arise from (what is the source?).

(c)   Claim 1, it is not clear what the result of comparing the actual control word to the plurality of other control words signifies, how it is used, and what is its relevance to the re-execution.

(d)   Claim 10, the same as (b) and it is not clear what is the utility of the comparison result.

(e)   Claim 18, the same as (b) and it is not clear what are the utilities of the comparison results and what are their relevance to their respective mechanisms.

(f)   Claim 23, the same as (b) and it is not clear what the result of comparing the *predicted* control word to the plurality of other control words signifies, how it is used, and what is its relevance to the re-execution.

(g)   Claims 2 and 12, the context of branch is not clear.

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 10 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al, U.S. Patent No. 6,770,103, submitted by the applicant.

Alenxander et al teaches the invention as claimed in claim 10 including the method comprising:

(a) generating a predicted control word in response to a control word changing operation (col. 6, line 54).

(b) executing a plurality of operations using the predicted control word (col. 6, line 53),

(c) testing whether an actual control word matches said predicted control word or one of a plurality of other control words (col. 6, line 57), and

    further teaches as in claims 13-15,

(d) selecting the predicted control word from a prediction table from a table location based on an instruction pointer to generate the predicted control word (pointed by color, col. 6, line 56) and speculatively executing a plurality of operations with said predicted control word after selecting the predicted control word from the prediction table (col. 6, line 53) – claim 13,

(e) selecting comprises tagging a microoperation with a table entry number indicative of which control word is selected from the prediction table (color tag, col. 3, line 64) – claim 14, and

(f) updating the prediction comprises generating a set microoperation to set the table location to indicate the actual control word (col. 6, line 61) – claim 15.

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Kacevas et al taught a method of using branch prediction.

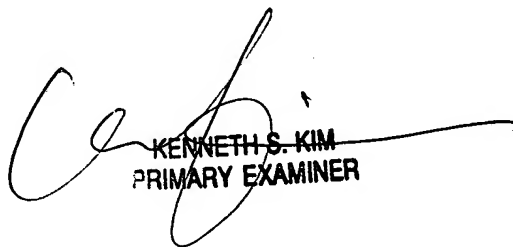Brockmann et al taught a method of using branch prediction target addresses..

9.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Kenneth S KIM whose telephone number is (571) 272-3627. The examiner can normally be reached on M-F (8:30-17:00).
      If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Mark Rinehart can be reached on (571) 272-3632. The fax phone numbers
for the organization where this application or proceeding is assigned are (571) 273-8300
for all communications.
      Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

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January 30, 2006

KENNETH S. KIM
PRIMARY EXAMINER